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General Michael Kovac*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN FEEDER, an individual,

Plaintiff,

vs.

THE STATE OF NEVADA, a political  
subdivision organized under the law of the  
State of Nevada, THE NEVADA  
ATTORNEY GENERAL AARON FORD, in  
his individual and official capacity;  
ASSISTANT ATTORNEY GENERAL  
MICHAEL KOVAC, in his individual and  
official capacity DOES I through X,  
inclusive,

Defendants.

Case No. 2:22-cv-00941-CDS-VCF

**JOINT STIPULATION TO STAY  
DISCOVERY PENDING RESOLUTION  
OF MOTION TO DISMISS**

Pursuant to Local Rules IA 6-2 and LR 7-1, Plaintiff, STEVEN FEEDER and Defendants THE STATE OF NEVADA, THE NEVADA ATTORNEY GENERAL, AARON FORD, and ASSISTANT ATTORNEY GENERAL MICHAEL KOVAC (collectively “Defendants”) hereby stipulate and agree to stay discovery in this case pending resolution of Defendants’ motion to dismiss (ECF No. 6).

The parties submit that good cause exists for this stipulation to be granted under applicable law. Specifically, courts in the District of Nevada apply a two-part test when

evaluating whether a discovery stay should be imposed. *TradeBay, LLC v. Ebay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011) (citations omitted). First, the pending motion must be potentially dispositive of the entire case or at least the issue on which discovery is sought. *Id.* Second, the court must determine whether the pending motion to dismiss can be decided without additional discovery. *Id.* When applying this test, the court must take a “preliminary peek” at the merits of the pending dispositive motion to assess whether a stay is warranted. *Id.* The purpose of the “preliminary peek” is not to prejudge the outcome of the motion to dismiss. Rather, the court's role is to evaluate the propriety of an order staying or limiting discovery with the goal of accomplishing the objectives of Rule 1.

Here, Defendants filed a motion to dismiss premised on Eleventh Amendment immunity, absolute prosecutorial immunity, qualified immunity, and failure to state a claim. ECF No. 6. While Plaintiff disagrees on the merits of Defendants’ motion (see ECF No. 7), the parties agree that Defendants’ motion is “potentially dispositive” of this case and “can be decided without additional discovery,” meeting this court’s standard of good cause for a stay of discovery.

Counsel for the parties conferred on this and other discovery obligations Friday, December 9, 2022 before submitting this stipulation.

DATED this 13th day of December, 2022.

DATED this 13th day of December, 2022.

**MUELLER & ASSOCIATES, INC.**

**AARON D. FORD**  
**Attorney General**

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**IT IS SO ORDERED.**

Dated 12-13-2022

  
UNITED STATES MAGISTRATE JUDGE